

MINUTES  
CITY OF GUNNISON  
ZONING BOARD OF ADJUSTMENTS AND APPEALS  
REGULAR MEETING  
MAY 6, 2004  
**REVISED 6/1/04**

MEMBERS

PRESENT/ABSENT

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<b>JUDY KLINKER, CHAIRPERSON</b>	<b>X</b>
<b>CARL PICKETT, VICE CHAIR</b>	<b>X</b>
<b>MARIAN HICKS</b>	<b>X</b>
<b>WES BAILEY</b>	<b>X</b>
<b>MARLA LARSON</b>	<b>X</b>

OTHERS PRESENT: PLANNING TECHNICIAN KIM ANTONUCCI, STAFF MEMBER  
SONJA BACA, CHARLES PUSEY, DENNIS PATTEN VIA TELEPHONE, KEITH &  
ROBYN ROBINSON, ANDY AND BETTY ARCHULETTA  
AND OTHER INTERESTED CITIZENS.

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- I. CALL TO ORDER BY CHAIRPERSON – 7:00 PM
- II. ANNOUNCEMENT  
Chair Klinker announced that further testimony and input from any and all persons, including community, applicants, or city staff will require a public hearing, which must be legally noticed and advertised at least 15 days prior to the public hearing. Based on City Municipal Code 15-12-5: Stage 4.Provision of Public Notice.
- II. CHARLES PUSEY, VA 04-1  
Chair Klinker announced that the public hearing of April 21, 2004 with respect to Chuck Pusey's application for a parking variance was not officially closed. Testimony will be heard at the public hearing scheduled for May 27, 2004.
- III. CHURCH OF THE LATTER DAY SAINTS, VA 04-2  
Chair Klinker announced that the public hearing of April 21, 2004 with respect to the Church of the Latter Day Saints is hereby officially closed and further testimony is prohibited at this time. Motions to take action will be the only issue before the board tonight.
- IV. CLOSE PUBLIC HEARING AT 7:04PM
- V. BOARD ACTION
  - A. Vice Chair Pickett presented observations and finding of fact prior to making a motion:

Vice Chair Pickett stated that prior to making a motion on the variance request VA-04-2, he shared an observation about the Gunnison City Code, Chapter 15, which sets out the procedures by which the Board operates.

Pickett provided a copy of the procedures to each member of the board and directed their attention to 15-14-4 Required Showing.

Four (4) of the seven (7) showings describe Special Circumstances or Conditions which are peculiar to the Land or Building for which the variance is sought and that the special circumstances or conditions do not apply generally to Land or Buildings in the neighborhood.

With this observation in mind and the following findings of fact:

1. The special circumstances or conditions which are peculiar to an assembly building (church in this case) is that there is a requirement to provide off-street parking to comply with Article 8 of the Gunnison City Code, which is quite different from the typical home in the R-1 Zone. Based on Article 1002.1.3 of the 1994 uniform building code, (currently in effect in the City of Gunnison) the occupant load for a church is calculated on one person for each 18 inches of length of pew. This would calculate to 54 parking spaces to include 4 handicapped spaces, required off-street.
2. The requirement for off-street parking did not result from any act of the applicant, but in fact, is required by our City Code.
3. Strict application of the permitted uncovered access/parking area would make it impossible for the applicant to comply with the off-street parking requirements.
4. The variance is required, if this project is to comply with Article 8 of our City Code.
5. The granting of the variance is the minimum necessary to comply with off-street parking requirements.
6. The granting of the variance will not be injurious to the neighborhood, in fact, granting the variance would benefit the entire neighborhood by reducing the number of cars parking on the street.
7. The granting of this variance is consistent with the intent of our Land Development Code.

- B. Moved by Vice Chair Pickett, Seconded by Larson:  
Based on these findings of fact, I move that we approve this variance request for the uncovered parking and access drives to be allowed at the minimum area required for 54 off-street parking spaces, with the following conditions:

1. That the off-street parking comply with Chapter 15, Article 8 of the Gunnison City Code.
2. That the entire site and off-street parking area comply with Chapter 15, Article 9- Landscaping and Illumination Standards.
3. Lastly, that the Landscape Plan include Landscape Screening on the two street sides of the parking area. The street sides are defined as 12<sup>th</sup> Street to the East and Arthur Avenue to the South.

Roll Call Vote Yes: Hicks, Bailey, Klinker, Larson, Pickett

Roll Call Vote No: None.

Motion carried.

VI. ADJOURN AT 7:08PM